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IAP10 Rec'd PCT 17 NOV 2005

Docket No.: 130098-1001

Patent



## In The United States Patent And Trademark Office

In re Application of: David Peter Wharton

Serial No.: 10/535,110

Filing Date: May 16, 2005

Examiner: Unknown

Group No.: Unknown

Confirmation No.: Unknown

For: Drug Delivery Device and Method

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### Information Disclosure Statement

Applicant submits form PTO/SB/08A with references which applicant believes may be material to the examination of the above-identified application, and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

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**Identification Of Time Of Filing The  
Information Disclosure Statement**

- ☐ [ ] This Information Disclosure Statement is being filed within three months of the filing date of the national application.
- ☐ [ ] This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in §1.491 in an international application.
- ☐ [ ] This Information Disclosure Statement is being filed before the mailing date of the First Office Action on the merits.
- ☒ [X] This Information Disclosure Statement is being filed after three months of the filing date of the national application or after three months of the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, but before the mailing date of either a final action under § 1.113 or a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

Accompanying this transmittal is:

- ☐ [ ] statement specified in 37 CFR § 1.97(e); or
- ☒ [x] a fee set forth in 37 CFR § 1.17(p)
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Accompanying this transmittal is:

1. a statement as specified in 37 CFR § 1.97(e); and
2. a fee set forth in 37 CFR § 1.17(p)

**Statement For Information Disclosure Statement 37 CFR 1.97(E)**  
(Only if Required Above)

I, the person signing below hereby state that:

- ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 CFR § 1.97(e)(1); or
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in the counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 CFR § 1.97(e)(2).

**Translations of Foreign Documents**

This Information Disclosure Statement includes no patents that are written in Non-English languages.

**Fee Payment**

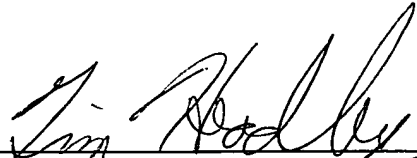
- ☒ attached is a check in the amount of \$180.00
- ☐ charge Deposit Account No. 07-0153  
in the amount \$

Applicants believe that no additional fees are due for the filing of this IDS. However, if any additional fees are due, or any overpayments have been made, please charge, or credit, Deposit Account No. 07-0153.

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Dated: 11-17-05

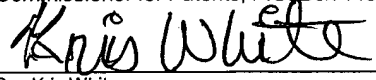
  
Tim Headley  
Attorney for Applicant  
Customer No. 37058

CERTIFICATE OF MAILING

Express Mail No.: EV \* S

Date of Deposit: November 17, 2005

I certify that the accompanying paper is being deposited with the United States Postal Service and sent "Via Express Mail" service under 37 CFR 1.08 on the date indicated above and is addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
By: Kris White

